

United States District Court
First District for Rhode Island

Gerald J. Silver, Pro Se
Plaintiff

V.

Case No.

2021-00048-AID:25

Rhode Island Magistrate John F. McBurney, III

Rhode Island Judge Luis Matos

Rhode Island Magistrate Richard Raspallo

Rhode Island Attorney General Peter Neronha

and his Assistant Attorney Generals involved in Case No. P2-2019-3668A

Federal Judge John J. McConnell, Jr.

Federal Attorney General Aaron L. Weisman

Federal Assistant Attorney General Ronald Gendron

United States Attorney General William Barr,
Defendants

Plaintiff's Declaration of a Filing of Criminal Charges against
the Defendants as Authorized by the Racketeer Influ-
enced Corrupt Organizations (R.I.C.O) Statute for
their Conspiratorial Violation of Plaintiff's Constitu-
tional Rights.

Background

In September 2011, Plaintiff began the process of filing a Grievance against the dysfunctional behaviors of an employee at the Rhode Island Department of Corrections (R.I.D.O.C.), which evolved to include a Complaint against the sexual misconduct of Assistant Administrator Richard Delfino, (who is reportedly working as a Court Administrator for The Municipal Court in Johnston, RI, at present), and against the mistreatment of Probationers via Actions initiated by the U.S. Marshalls Service.

The fore-mentioned Grievance was expected to result in a request for a Legislative Investigation into the fore-mentioned dysfunctional behaviors and actions.

The Legislative Investigation was expected to include testimony from at least the following people;

- Lincoln Chaffee, Governor, who is the son of a former Governor, and who was reportedly appointed by former Governor Lincoln Almond to fill a vacancy in the U.S. Senate, and who was running for U.S. President at the time.
- Richard Licht, State Administrator, who was appointed by Lincoln Chaffee, and who is also the relative of a former Governor, and who was seeking a R.I. State Judgeship, which he obtained.
- A.T. Wall, Director at the R.I.D.O.C., who was appointed by Lincoln

met with Richard Delfino to notify him that the Grievance and request for a Legislative Investigation was going forward.

On September 26 at approximately 1:30pm, Richard Delfino reportedly spoke with U.S. Postal Officer Michael Connelly by phone.

At approximately 2:00pm, on September 26, Michael Connelly reportedly met with Federal Magistrate Lincoln Almond, Jr., the son of former R.I. Governor Lincoln Almonde, Sr., and good friend to Lincoln Chaffee, who signed a Warrant for Plaintiff's arrest.

On September 27, 2012, Michael Connelly and other Law Enforcement agents invaded Plaintiff's home, threatened to shoot Plaintiff, vandalized Plaintiff's home, and stole multiple items.

Michael Connelly "admitted" to Plaintiff that Plaintiff had not done anything illegal, but added, "You don't get it... once the Judge (Lincoln Almonde, Jr.) signed the Warrant... you were f---ed", which is another way of stating that the "fix" was in.

Of note, among the numerous items stolen from Plaintiff's home were Plaintiff's complete notes pertaining to Plaintiff's Grievance against politically appointed Government Employees, which the Prosecution Team repeatedly refused to return to Plaintiff along with Plaintiff's childhood movies. Thereby, declaring the Grievance and the arrest to be connected, and Plaintiff's childhood movies to be erotic (pornographic) to them.

Chaffee, and who was the longest serving Prison Director in the Country, and who is reportedly honorably retired.

-Trish Coyne-Fague, Assistant Director at the R.I.D.O.C., who was also politically appointed, who was also seeking the same Judgeship that Richard Licht acquired, and who is the current politically appointed Director of the R.I.D.O.C.

-Richard Delfino, Assistant Program Director in the Probation and Parole Unit at R.I.D.O.C., who was engaged in an open sexual relationship with a subordinate on State Property, and who is reportedly currently working as a Court Administrator in the Town of Johnston, R.I.

The legislative Hearing, if it had occurred, would most-likely have damaged, if not destroyed, the careers and ambitions of the fore-mentioned individuals.

On September 26, 2012, Plaintiff met with members of the Probation and Parole Officers' Union Executive Board between 12:00-12:30pm. To reaffirm Plaintiff's intentions to move forward with the Grievance and request for a legislative Investigation when the Administration at R.I.D.O.C. refused to engage in serious negotiations to correct the fore-mentioned dysfunctional behaviors and actions.

At approximately 1:00pm on September 26, 2012, representatives of the Probation and Parole Officers' Executive Board reportedly

On September 27, 2012, Federal Magistrate Lincoln Almonde, Jr. Placed Plaintiff on the most restrictive home confinement, quite possibly in the history of the nation, including absolutely no movement from the house, including not being able to reach outside the door to retrieve mail, mow and rake the lawn, purchase food, visit relatives, secure yard before a hurricane, etc. .

Plaintiff contends that the overtly overly excessive restrictions placed on Plaintiff, who by law was innocent until proven guilty, was a clear and successful attempt by Almonde, Jr. to intimidate other disgruntled Government Employees into silence, and to protect his associates.

The Prosecution Team, with the support of Plaintiff's Lawyer, Robert Mann, pushed the Indictment Hearing until approximately February 2013, to ensure that it caused the time-frame for Plaintiff's Grievance to expire.

The Probation and Parole Union Officials and the Union Lawyer, Jerry Cobleigh, failed to provide the protections against the backlash from the accused dysfunctional and/or corrupt Government Employees that were promised to Plaintiff when filed the Grievance.

During the Indictment Hearing, Connelly and the Prosecutor, Terrence Donnelly, "admitted" that Plaintiff did not possess any materials that had sexual content. However, They

stated that they were eroticized by the movies that Plaintiff possessed, including commercial films (later described by Connolly as "Harry Potter Movies" and by Donnelly as a P.B.S. Documentary). Thereby, admitting to their own pedophilic perversions, which the Presiding Judge apparently also shared, and therefore making the legal movies "illegal."

Plaintiff contends that it is absurd to charge a person for a crime based on the self-admitted pedophilic thoughts of others, (in this case Connolly and Donnelly).

Approximately three weeks before Plaintiff's trial, Plaintiff's Lawyer admitted to Plaintiff that he had been deceitful to Plaintiff when he had previously told Plaintiff when he told Plaintiff that Plaintiff's case was important to him, that he had been working hard on the case, and that he had good ideas where to go with the case. He had no plan for the case stating that he had to "wait" until he saw where the prosecution was going to go with the case.

Subsequently, Robert Mann rejected all of Plaintiff's guidance as to "how" to proceed with the Defense, including bringing in other Lawyers who would be willing to provide the Defense that Mann was refusing to provide, and establishing Plaintiff's verifiable history of safety around minors, including Plaintiff's passing a lie-detector examination, extensive interviews with professionals, and approximately six-weeks of supervised Train-

ing with professionals prior to starting a career with assisting minors.

Robert Mann persistently stated his fears of retaliation against him by the Prosecution Team or Judge, (William Smith), if he were to present exculpatory evidence that they didn't like.

Plaintiff went on trial before the politically appointed Federal Judge, William Smith, who had just been politically promoted to Chief Justice.

Although it was evident that Plaintiff was being charged with a "thought crime" based on the pedophilic thoughts of others, (Connelly and Donnelly), he did not dismiss the case.

During the trial, after the recording of the proceedings stopped, Smith would "apologize" to the Jury for taking (wasting) their time.

During the Trial, Mann refused to challenge the falsehoods and inconsistencies in the Prosecution's testimony stating his continuing fear of retaliation against him.

However, Mann did receive permission to show all of the movies listed as "evidence" by the Prosecution in their entirety without objection from anyone, because there was nothing in the movies that the General Public should not see.

Therefore, since any adult in the entire world who was in the vicinity of the Court, and who wished to see them, could have sat in the Courtroom and viewed the movies.

Therefore, the Prosecution was contending that there was only one adult in the entire world who could not legally view the movies, at person is Plaintiff, which shocks the conscience of any reasonable person.

During Smith's instructions to the Jury, he stated that since there was no "evidence" that Plaintiff had committed a crime, they could use the concept of "supposition" that Plaintiff had committed a thought crime of thinking like Connally and Donnelly.

Of note, Plaintiff had been ordered into counseling with David Ingles, who wrote to the Court that Plaintiff's threat to society was "Nil".

The producer of the Naturist films was reportedly sentenced to two years for apparently not paying one of the participants for his appearance in one of the films after the authorities apparently threatened the participant and his parents. No evidence of any sexual abuse of any of the participants was ever presented.

If Plaintiff had been charged in State Court, the charges would have most-likely been thrown out since the films were legal.

If Plaintiff had been found "Guilty" in State Court, the sentence would have been eighteen months probation.

Plaintiff contends that Plaintiff's incontroversibly excessive sentence of six years to serve, fifteen years probation, and a whole page of conditions of probation, based on the suppression of a thought crime is not only blatantly unconstitutional, but retaliation for Plaintiff continuing defiance and challenging of the organized crime syndicate operating in the R.I. State and Federal Governments, as well as, to silence other dissenters.

Subsequently, Robert Mann admitted to Plaintiff that he had sabotaged Plaintiff's Appeal of the case by once again refusing to incorporate exculpatory evidence, (which he had indicated that he would put in the Appeal). When questioned by Plaintiff as to "why" he was failing in his professional duties to adequately represent Plaintiff and thereby falsely acquiring finances from Plaintiff, Mann responded, "Hey, I had to have money for my children to inherit".

Plaintiff fired Mann in perpetuity.

Of note, Mann reportedly told Federal Public Defender Kevin Fitzgerald on or about July 2019 that he was never afraid of the prosecution team or Presiding Judge. Thereby admitting that he had no intentions of properly defending Plaintiff... he only wanted to make money that he knew Plaintiff could provide.

Statement of the Facts

After Plaintiff's release from Federal Prison on May 3, 2019, Plaintiff deliberately waited until May 7, 2019, which was beyond the mandated report time-limit to report to any Federal Probation Office, in order to continue Plaintiff's defiant challenge to the organized crime syndicate in Both State and Federal Governments, especially within their Judicial Systems.

Plaintiff also deliberately refused to establish a Residence in any State.

Plaintiff persistently attempted to self-surrender to the Federal Court in Providence, R.I. on 5/7/19 without success.

Plaintiff was directed by Federal Officials to leave the premises and to seek temporary shelter despite Plaintiff's objections.

On May 8, 2019, Plaintiff was arrested by the U.S. Marshalls Dangerous Fugitives Task Force S.W.A.T. Team at a Motel on a Warrant reportedly issued by Federal Magistrate William Smith, who had refused to accept Plaintiff's self-surrender the previous day.

Of note: One hundred and Ten dollars and Ten Cents of Plaintiff's money went missing after being seized by the U.S. Marshalls.

The U.S. Marshalls deliberately seized Plaintiff's money and other belongings when Plaintiff refused to answer their questions in order to intimidate Plaintiff into cooperating with their inquiries, which is a violation of multiple Federal Laws.

While incarcerated at the private Detention Facility Wyatt, State Magistrate John F. McBurney, III sent a Notice for a Pre-Arraignment Hearing, (No reason for the hearing was provided), to one of Plaintiff's relative's house, where Plaintiff has never resided.

Both the relative and Plaintiff wrote to McBurney, III explaining his error, and Plaintiff advised him that Plaintiff has not resided in R.I. since 2014, was Federally incarcerated, and was being tried for violating all Plaintiff's Federal Conditions of Probation, including refusing to establish a residence in R.I.

On August 13, 2019, McBurney III issued an arrest warrant for Plaintiff's "Failure to Appear" for the Pre-Arraignment Hearing (apparently the hearing was for refusing to reside in R.I.), while he knew that Plaintiff was Federally incarcerated and unable to attend.

McBurney, III knowingly, willingly, and deliberately violated Plaintiff's 5th Amendment protections against "Double Jeopardy".

McBurney, III knowingly, willingly, and deliberately engaged in Judicial Misconduct when he issued an Arrest warrant for Plaintiff

when he had full knowledge that he does not have Jurisdictional Authority over Plaintiff's Federal Charges.

Although Plaintiff remained, and remains, in full and complete defiance of all Plaintiff's Federal Conditions of Probation, Federal Judge John J. McConnell, Jr. Sentenced Plaintiff to "Time Served" and released Plaintiff back into the Community, on 9/16/19.

Plaintiff was immediately taken into custody by the U.S. Marshalls on the illegal Warrant issued by McBurney, III in the presence of and with the full knowledge of McConnell, Jr. and Federal Prosecutor Ronald Gendron, who represented U.S. Attorney General Aaron L. Weisman.

Subsequently, Plaintiff learned in August 2020, that McConnell, Jr. had retracted Plaintiff's supervised community release on 9/17/19. Clearly demonstrating a conspiracy with McBurney, III to provide the State with a brief window of opportunity to illegally arrest Plaintiff before closing it.

Plaintiff was turned over to the R.I. State Police and incarcerated at the A.G.I. Intake Center where Plaintiff is currently being illegally held.

On 9/17/19, Plaintiff was presented at a Bail Hearing before Magistrate Patricia Harwood, where the State Attorney General Peter Neronha charged Plaintiff with refusing to Register

in R.F. where Plaintiff has not resided since 2014 and has repeatedly refused to reside there for which Plaintiff had already been tried, convicted, and adjudicated in Federal Court.

Neronha and his assistants have no legal authority over Plaintiff's refusal to live and thereby, register, in R.I., for which Plaintiff was tried, convicted, and adjudicated in Federal Court. Therefore, both Neronha and his assistants violated Plaintiff's 5th Amendment Protections against "Double Jeopardy" along with McBurney III.

Subsequently, The State Court illegally declared Plaintiff's Bail Hearing to be an "Arraignment".

Plaintiff has not been arraigned or indicted on any charges in the State of R.I. ever as of the writing of this Statement of the Facts, which is a violation of Plaintiff's 5th Amendment Right to "Due Process" and 14th Amendment Right to "Equal Protections under the Laws".

On 10/26/19, Plaintiff wrote a letter to the "Presiding Judge", (Luis Matos), notifying him about the fore-mentioned Violations of Plaintiff's Constitutional Rights and the Crimes being committed by the fore-mentioned Defendants, without response from Matos.

Other than Bail Hearings and Pro-Se Hearings, Plaintiff has not had a Hearing regarding the evidence or pertinent facts of the false charges being pursued against Plaintiff, which is a clear

Violation of Plaintiff's 6th Amendment Right to receive a speedy Trial

The Court Records repeatedly state that Plaintiff's case is "Pending Investigation", which is clearly illegal to arrest a person and then try to find a reason to justify the arrest and incarceration.

On 11/18/19, Plaintiff wrote to U.S. Attorney General William Barr explaining the fore-mentioned violations and crimes being perpetrated against Plaintiff, without receiving a response.

Barr failed in his sworn duties to uphold the Constitutional Laws of the U.S. and to protect Plaintiff.

Of note: while incarcerated at the A.C.I., Plaintiff met with "Kevin" from The Sex Offender Community Notification Unit, who expressed confusion about Plaintiff's original charges since a Police Officer had actually committed the crime for which Plaintiff was falsely accused, but was not charged.

Plaintiff observed that the differences between the cases were that the Police Officer is protected by his status of being in Law Enforcement, Plaintiff is an ordinary citizen; the Officer actually committed the crime, which is acceptable to Law Enforcement, Plaintiff did not commit a crime; Plaintiff filed a complaint against corrupt Government Officials, The Officer did not (and in most

likely in debt to them preventing him ever arresting any of those who protected him for any crimes they might commit).

Of note: When Plaintiff was incarcerated at the A.C.I on 9/16/19, which is Directed by Trish Coyne-Fague, Medical Staff failed to provide Plaintiff with life sustaining High Blood Pressure Medication resulting in a serious medical incident occurring during the night of 9/21-22/19.

Plaintiff ability to access the facility's law library and copy legal documents has been significantly hampered since Plaintiff's incarceration and has had absolutely no direct access to the law library or any access to the copier since at least March 13, 2020, which clearly violates Plaintiff's 5th Amendment Right to Access The Courts for Due Process.

The continuing lack of proper medical treatment is a clear violation of Plaintiff's 8th Amendment Rights.

On 12/18/19, Plaintiff notified R.I. Magistrate Richard Raspallo about the State's lack of jurisdiction. Raspallo refused to uphold his sworn duty to protect the Constitutional Laws of the U.S. and to protect Plaintiff.

Summary

The Defendants incontroversibly brazenly illegally altered and/or defied the Protections of the Constitution to illegally incarcerate Plaintiff.

The Defendants do not have any Judicial Jurisdiction over Plaintiff.

The Defendants Knowingly, Willingly, and Deliberately engaged in their illegal actions.

The Defendants communicated and coordinated their illegal actions with each other.

The Defendants' actions are prosecutable under the following:

- The Supremacy Clause
- The 5th Amendment Protections Against "Double Jeopardy"
- The 5th Amendment Right to "Due Process"
- The 6th Amendment Right to a "Speedy Trial"
- The 6th Amendment Right to a "Trial by Jury"
- The 14th Amendment Right to "Due Process by Law"
- The 14th Amendment Right to "Equal Protections under the Law"
- The 1983 Civil Action for Deprivation of Rights: 42 USC 1983
- The 1985 Conspiracy to Interfere with Civil Rights: 42 USC 1985
- The 1986 Action for Neglect to Prevent Conspiracy: 42 USC 1986
- The Criminal Action for Conspiracy against Rights of Citizens

Constituting Federal Crime: 18 U.S.C. 241

- The Criminal Action for Deprivation of Rights Under Color of Law: 18 USC 242
- *Ex parte Young*, 209 U.S. 123 (1908)
- *Younger v. Harris*; 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971)
- *Turkette*, 452 U.S. at 583, 582 n.4
- *Perholz*, 842 F.2d at 363, 352
- 18 U.S.C. 1961
- *Monroe v. Pape*, *supra*, 365 U.S. at 171-172, 184
- *United States v. Classic*, 313 U.S. 299, 326 (1941)

Plaintiff notes that there is no Statute of Limitations for prosecution under the R.I.C.O. Statute.

Conclusion

The Defendants' Actions are Criminal.

The Defendants are not above the Law.

The Defendants are a Clear and Present Danger to Society.

It is not the Plaintiff who is accusing the Defendants of their Criminal Actions ... it is the verifiable, true facts that are accusing them.

It is the nature of a Conspiracy to be "unbelievable" or it wouldn't be a very good Conspiracy.

It is incumbent upon this Honorable Court to protect Plaintiff's Constitutional Rights, to take corrective actions to protect Society from any further harm by the Defendants, and to prosecute the Defendants to the fullest extent of the Laws.

Due to the extensive involvement of Federal Agents in this Case, and investigation by a "neutral" Law Enforcement Agency, such as the Secret Service, is warranted.

The Defendants' Actions shock the conscience of a reasonable person.

I hereby state that the statements contained in this Petition
are honest and true to the best of my knowledge.

Submitted by,
Gerald J. Silva
Gerald J. Silva, Pro-Se
#160652
ACT - Intake Center
P.O. Box 8249
Cranston, RI 02920
1/12/21

Certification

I hereby certify that I have not provided any copies of this Petition to anyone since I do not have access to a copying machine.

Submitted,

Gerald J. Silver

Gerald J. Silver, Pro Se

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(No Copies-including Plaintiff)



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